

REMARKS

Claims 1-24 are pending in this application. By this Amendment, claims 1, 3, 4, 7, 9, 12, 15, 17, 18 and 24 are amended. It is respectfully submitted that the claim amendments are non-narrowing in scope and are not related to reasons of patentability.

DRAWING OBJECTIONS

The Examiner objected to the drawings because Figs. 3 and 4 contain graphs with legends that are too small to be clearly legible.

In view of the Examiner's comments, it appears that the Examiner has not received the formal drawings submitted on October 17, 2004, which were inadvertently submitted in another application (i.e., 09/848,111). Nonetheless, Applicants have attached another copy of the formal drawings which amended Figs. 3 and 4. Withdrawal of the objection is respectfully requested.

ALLOWABLE SUBJECT MATTER

Applicants appreciate that claims 1-2 and 12-16 are allowed; and claims 3-11, 17 and 19-24 are objected to as being dependent upon a rejected base claim, but will be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims. However, it is respectfully submitted that claim 18 is also allowable in view of the foregoing amendments and following remarks.

CLAIM OBJECTIONS

Claims 3-11, 17 and 24 are objected to due to informalities.

Applicants have amended claims 3-4, 7, 9, 12, 17 and 24 to obviate the rejection, as suggested by the Examiner.

With regard to claim 6, the Examiner suggested that “current smoothed sample” should be replaced by “the smoothed sample” for consistency. However, it is submitted that “smooth sample variance estimate” may be a current or previous estimation. Thus, it is submitted that claim 6 is definite and consistent with the other claims.

Withdrawal of the objection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claim 18 is rejected under 35 U.S.C. § 102(e) as being anticipated by Buehrer et al. (hereinafter “Buehrer”) U.S. Patent 6,614,857. The rejection is respectfully traversed.

Buehrer fails to disclose or suggest, *inter alia*, combining the first and second SINR estimates to produce a composite SINR estimate, as recited in claim 18.

Instead, Buehrer discloses a data estimator 12 estimating the data, and setting a count value C to zero. After determining that the count value C for the estimate data is less than some predetermined threshold, the data estimator 12 sends the estimated data and associated count value C to an updated channel estimator 14. The updated channel 14 generates an updated channel estimate based on the estimated data received from the data estimator 12 (col. 3, lines 44-55). That is, the estimator 12 determines whether the count value C for the estimated data exceeds a predetermined threshold. As such, the estimating step of Buehrer is a comparison step, rather than a combining step.

Further, the Examiner refers to col. 4, lines 54-56, particularly equation 7, to teach the combining step. However, it is submitted that the combining of two signals in Buehrer is not to produce a composite SINR estimate, but rather setting the δ (e.g., a factor indicating the degree to which the adapted channel estimate is adaptive).

Accordingly, Buehrer fails to disclose or suggest “combining the first and second SINR estimates to produce a composite SINR estimate”, as recited in claim 18.

Further, Buehrer fails to disclose a method of estimating a signal-to-interference+noise ratio (SINR). Instead, Buehrer merely discloses a signal-to-noise ratio (SNR).

Because Buehrer fails to disclose each and every feature of the claimed invention, it cannot provide a basis for rejection under 35 U.S.C. § 102(e). Withdrawal for the rejection is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, reconsideration of the rejection and allowance of claims 1-24 is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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Enclosure: Formal Drawings